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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 22 MARCH 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

In accordance with the existing procedures of the Committee on Relations with the Host Country, I have the honour of requesting the inclusion of the agenda item entitled "Question of the security of missions and the safety of their personnel" for consideration at the next meeting of the Committee, to be held in early April 1995.

Please find enclosed the text of note No. NV/158/95 dated 22 March 1995 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations, regarding the issue of the so-called "demonstrations" in the vicinity of the Permanent Mission of Cuba, in response to note HC-04-95 from the United States Mission.

In this regard, I kindly request the distribution of the present letter and its annex as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno E. Rodríguez PARRILLA

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ANNEX

Note verbale dated 22 March 1995 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to refer, once again, to the holding of the so-called demonstrations facing the Permanent Mission of Cuba to the United Nations and in that regard, to note HC-04-95 of 23 January 1995 from the United States Mission to the United Nations.

As the Permanent Mission of Cuba has repeatedly stated, the holding of the so-called demonstrations in the vicinity of the Permanent Mission of Cuba to the United Nations is and continues to be a source of disruption and creates a potential for tension that, in the view of the Permanent Mission of Cuba to the United Nations, should be avoided. Those so-called demonstrations continue to be held in an aggressive stance, and insults and threats to the Cuban personnel and their families entering or leaving the premises of the Permanent Mission of Cuba to the United Nations continue to be a regular occurrence.

The above-mentioned note by the United States Mission to the United Nations indicates that "what few limitations are placed on these demonstrations usually originate at the local level, and are primarily concerned with factors relating to health and safety", and continues, in detail, indicating the actions taken by the local authorities of New York City. In that regard, the Permanent Mission of Cuba to the United Nations wishes to recall that, even if local enforcement agencies must play a fundamental role regarding these so-called demonstrations, they must be guided by norms and regulations put forth by the Federal Government of the United States. The Host Country Agreement regarding the United Nations Headquarters was not signed by the City of New York, but by the Government of the United States which, by that token, is responsible for the safety and security of permanent missions to the United Nations, their premises and personnel, as well as for the preservation of the dignity of foreign missions, as has been the documented case in the past.

Furthermore, in the opinion of the Permanent Mission of Cuba to the United Nations, the role of the Federal authorities in these cases and, by extension, of local enforcement agencies, should not be limited to reacting to incidents which have occurred, but to devising an adequate and effective prevention system to avoid acts that would be detrimental to permanent missions to the United Nations, their premises and personnel, and their dignity.

Even if the Constitution of the United States embodies provisions "guaranteeing the freedoms of speech and assembly", which the Permanent Mission of Cuba to the United Nations acknowledges, nothing in the United States legislative framework allows threats and insults to be proffered with impunity against any person or entity within United States territory. To the contrary, as note HC-04-95 recognizes, "It is a violation of the New York State Penal Law to intentionally intimidate, coerce, threaten or harass any person". Similarly,

as the said note also specifies, "there is a Federal law for the punishment of crimes against foreign officials and official guests of the United States, and internationally protected persons, including diplomatic agents".

In accordance with the above, then, the intimidation, coercion, threatening and harassment of Cuban officials and their families leaving and entering the premises of the Permanent Mission of Cuba to the United Nations is punishable in the light of the New York State Penal Code and Federal legislation. These crimes are, moreover, being committed systematically in the presence of police officers which, if fulfilling their duty in an appropriate manner, could not attest otherwise. Furthermore, the Permanent Mission of Cuba to the United Nations has systematically and permanently, in a timely manner, reported the issue to the United States Mission to the United Nations which is, in our view, the proper agency to receive complaints of this nature, but no action has been taken to prevent the recurrence of these aggressive acts.

Furthermore, the Permanent Mission of Cuba to the United Nations takes advantage of this opportunity to recall to the United States Mission to the United Nations that despite our previous agreement on this issue, no meeting has been set to examine the August 1994 disruptions in the vicinity of the Mission and the violation of our diplomatic immunities as a result of actions originated in the so-called demonstrations.

Finally, and in the light of all of the above, the Permanent Mission of Cuba to the United Nations would like to reiterate that any incidents that may occur will be the sole responsibility of the Government of the United States for not taking appropriate and timely action to prevent them.